

Remarks

Claims 23-54 were pending in this application. Claims 35 and 36 are cancelled herein as being drawn to non-elected subject matter. Applicant reserves the right to pursue the canceled subject matter in a subsequent application. After entry of this amendment, Claims 23-34 and 37-54 are pending in the application. No new matter has been added by this amendment.

Applicant notes that the numeric identifier for claim 33 has been changed from "Claim33" to "Claim 33," but this claim is not marked as "(currently amended)" in the Listing of Claims, as the body of this claim has not been amended.

Restriction Requirement / Rejoining of Claims

Applicant thanks Examiner Nichols for rejoining claims 23-34 and 52-53 with claims 37-51 and 54. Claims 35 and 36 were withdrawn from consideration as allegedly drawn to non-elected species. Claims 35 and 36 are canceled herein solely to expedite allowance of the application.

Specification

In the specification, the paragraph beginning on page 2, line 8, has been amended to correct an obvious typographical error.

Also in the specification, the paragraph beginning on page 8, line 2, has been amended to comply with the sequencing rules. Specifically, the specification has been amended herein to provide appropriate sequence identifiers for the sequences EDLTDDDED (SEQ ID NO: 1) and RKTKKKIK (SEQ ID NO: 2). These sequences were included in the Sequence Listing submitted on September 4, 2003.

Finally, the Office action has indicated that there is allegedly an unclear alteration on page 9, line 1, of the specification, as there is a handwritten notation. Applicant submits that the amendment of the paragraph beginning on page 8, line 32, removes this objection. For the

Examiner's convenience and for clarity, this amendment formally inserts the handwritten notation. Page 9, line 1, of the specification should read as follows:

“FKBP12 and is non-immunosuppressive. NGPAs include, but”

Non-Statutory Double Patenting

Claims 23-34 and 37-54 have been rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 26-36 of U.S. Patent No. 5,968,921, in view of U.S. Patent No. 5,026,381. This rejection is respectfully traversed. However, to expedite prosecution of this application, Applicant encloses a terminal disclaimer disclaiming the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the fully statutory term of U.S. Patent No. 5,968,921. Applicant submits that the submission of the terminal disclaimer obviates the rejection.

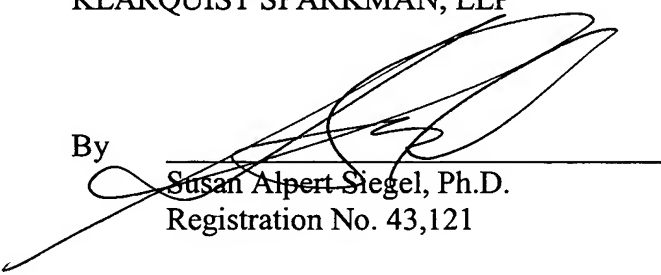
Conclusion

In view of the response, Applicant respectfully requests that a Notice of Allowance be issued. If any minor matters remain to be addressed before a Notice of Allowance is issued, a telephone conference with the Examiner is requested and the Examiner is respectfully requested to telephone the undersigned at the telephone number listed below.

Respectfully submitted,

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